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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Report of the Secretary-General

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I. INTRODUCTION

1. On 12 November 1996, the General Assembly adopted resolution 51/17, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", in which it requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter and international law and to submit it to the Assembly at its fifty-second session.

2. Pursuant to the request, by a note dated 28 February 1997, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments and from organs and agencies of the United Nations that had been received as of 5 September 1977. Further replies will be reproduced as addenda to the present report.

II. REPLIES RECEIVED FROM GOVERNMENTS

ALGERIA

[Original: French]

[14 July 1997]

1. Algeria fully supported resolution 51/17 and voted in favour of it. It therefore endorses the provisions of paragraphs 2 and 3 of the resolution.

2. Accordingly, the Government of Algeria has neither promulgated nor applied any laws and/or regulations whose extraterritorial effects undermine the sovereignty of other States.

ARMENIA

[Original: English]

[16 June 1997]

In the Armenian legal regime there is no law or measure of the kind referred to in the preamble to General Assembly resolution 51/17.

AUSTRALIA

[Original: English]

[31 July 1997]

1. Australia does not apply any laws or measures of the kind referred to in the preamble to resolution 51/17.

2. Australia has consistently expressed its principled opposition to the promulgation and application, by States Members of the United Nations, of laws and measures whose extraterritorial effects affect the sovereignty of other States, the legitimate interest of entities or persons under their jurisdiction as well as the freedom of trade and navigation. In its view, such laws and measures are not justified by the principles of international law and comity.

BARBADOS

[Original: English]

[8 August 1997]

1. The Government of Barbados has no laws which in any way restrict the freedom of trade and navigation with Cuba.

2. Further, Barbados has consistently voted in favour of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" since the resolution was first introduced in the General Assembly during its forty-sixth session, in 1991.

BELARUS

[Original: Russian]

[8 August 1997]

1. The Republic of Belarus is interested in the peaceful settlement of the American-Cuban disagreement by means of negotiations and in the creation of favourable conditions for free and unrestricted trade development and economic cooperation between Cuba and all other countries, including the United States of America.

2. In conformity with its obligations under the United Nations Charter and the norms of international law, the Republic of Belarus has not adopted and does not have any laws and measures of the kind referred to in the preamble of resolution 51/17, and reaffirms its adherence to the principles of freedom of trade and navigation.

BOLIVIA

[Original: Spanish]

[15 July 1997]

The Government of the Republic of Bolivia has not adopted any laws or measures of the kind referred to in the resolution. Consequently, there are no provisions, measures or laws which the Government of Bolivia would have to repeal in this regard.

BRAZIL

[Original: English]

[26 March 1997]

1. Brazil reiterates that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the principles and purposes of the Charter of the United Nations.

2. In accordance with resolution 51/17 and preceding General Assembly resolutions on the same item, Brazil has not promulgated or applied any law, regulation or measure the extraterritorial aspects of which could impinge upon

the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

3. Brazil's legal system does not recognize the validity of the application of any unilateral measure with extraterritorial effects. Companies located in Brazil are subject exclusively to Brazilian legislation.

4. Measures by any country which violate the provisions of resolution 51/17 and which attempt to compel the citizens of a third country to obey foreign legislation affect the interests of the international community as a whole and violate generally accepted principles of international law. They should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

5. In this context, the so-called "Cuban Democracy Act" of 1992 and "Cuban Liberty and Democratic Solidarity Act" of 1996 are generally considered contrary to international law, in particular to the constituent act of the World Trade Organization. They run against the basis of the multilateral trade system and should be urgently reviewed.

CAPE VERDE

[Original: English]

[26 August 1997]

The Government of Cape Verde has not taken any measure in contravention of General Assembly resolution 51/17 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

CHINA

[Original: English]

[18 August 1997]

1. The Government of China has all along opposed the practice of wilfully resorting to sanctions in handling State-to-State relations. The blockade and sanctions imposed by the United States of America on Cuba over the past three decades has not only brought difficulties to Cuba's economic and social development, seriously hurting the Cuban people, especially the health and well-being of women and children of the country, but also adversely affected the normal trade and economic exchanges of many other countries with Cuba, thus seriously infringing upon their legitimate rights and interests.

2. The Government of China maintains that sovereign equality, non-interference in each other's internal affairs and other norms governing international relations must be respected, and that each country is entitled to choose its own

social system and mode of development in the light of its specific national conditions. No other country has the right to interfere therein.

3. The Government of China is of the view that differences and problems between States should be settled through dialogue and negotiations conducted on an equal footing, and that the United States of America should, in accordance with the purposes and principles of the Charter of the United Nations and the spirit enshrined in the relevant General Assembly resolutions, immediately put an end to its economic, commercial and financial embargo against Cuba and enter into dialogue with Cuba on the relevant dispute on the basis of equality and mutual respect for sovereignty so as to bring about a solution.

COLOMBIA

[Original: Spanish]

[23 May 1997]

1. Colombia maintains its position of respect for the principles of self-determination of peoples and non-intervention in the internal affairs of States and rejection of the claim of any State to apply outside its territory legal provisions that affect third countries.

2. Colombia has endorsed the statements by the Rio Group and the Association of Caribbean States regarding the United States legislative initiative entitled the Cuban Liberty and Democratic Solidarity Act, the communiqué of the Movement of Non-Aligned Countries of 19 March 1996 on the Helms-Burton Act, the communiqué of the Ministers for Foreign Affairs and heads of delegation of the Movement of Non-Aligned Countries at the meeting of the Ministerial Committee on Methodology held at Cartagena, Colombia, on 15 and 16 May 1996, and other communiqués issued by regional bodies rejecting unilateral coercive measures as a means of pressuring States.

CUBA

[Original: Spanish]

[22 July 1997]

1. During the past five years the General Assembly has rejected the promulgation and enforcement by Member States of legislation whose extraterritorial effects have an impact on the sovereignty of other States and the legitimate interests of entities or individuals under their jurisdiction and on free trade and navigation.

2. In its resolutions 47/19, 48/16, 50/10 and 51/17 the Assembly reiterated its appeal to all States to refrain from promulgating and applying measures of that kind and to take the necessary steps to repeal or invalidate them as soon as possible.

3. The Government of the United States of America has not only deliberately ignored the opinion and decisions of the international community and the purposes and principles of international law and the Charter of the United Nations, but has also decided to step up its economic, commercial and financial blockade against Cuba, in this case by means of the law known as the Helms-Burton Act, whose scope exceeds that of all previous legislation by grouping together, intensifying and conferring legal status on all earlier measures and provisions relating to the blockade.

4. The aforementioned Act, which seeks forcibly to stifle the Cuban social and economic system through the application of punitive measures against sovereign countries that have decided to maintain economic relations with Cuba, was adopted despite the outright rejection with which it was greeted by the international community from its inception as a bill, and particularly by the North American allies, owing to its extraterritorial and unilateral nature and the fact that it infringes the sovereignty of States and violates the principles of international law. The true intentions of each article of the Act are set out in document A/51/355.

5. In the light of this unfortunate situation, the Government of Cuba once again draws the international community's attention to the effects on the Cuban people of the continued application of this policy over nearly four decades and of new attempts to strengthen and expand its territorial application by means of the Helms-Burton Act and other related initiatives.

6. Since the promulgation of that Act, the United States Government, through Congress and the President, has taken various steps to make the implementation of the embargo more painful and to broaden its scope.

7. There are many examples of this, including an attempt to create a Title V which, in one version, would limit the capacity of the President of the United States of America to suspend court decisions under Title III, while another version would provide for taxation of foreign companies in the United States that "traffick", to use the language of the Act, with nationalized properties in Cuba. It would also provide for the establishment of a unit in the Cuban Office of the State Department to monitor the implementation of Title IV, the establishment in Washington, D.C., of a group to compile and transmit to the State and Treasury Departments information about foreign companies that "violate" the law and the sending of threatening letters by the State Department to various foreign companies to dissuade them from investing in Cuba. The Government has also sought to make the Act international in scope. These are just a few examples.

8. During June 1997 seven amendments included in an international affairs appropriations bill were adopted out of 10 submitted to the United States House of Representatives which sought to reinforce and tighten certain provisions of the Helms-Burton Act, its extraterritorial effect and the political blockade in general. The other three amendments were contained in a bill on foreign aid reform which is still before the House.

9. The amendments passed in the United States Congress to date concern the appropriation of funds to implement the Helms-Burton and Toricelli Acts, the

provisional suspension of aid to countries supplying nuclear fuel to Cuba, the appropriation of funds for television broadcasts to Cuba aimed at destabilizing the country, stricter enforcement of immigration agreements and opposition to International Atomic Energy Agency (IAEA) assistance projects and programmes to Cuba.

10. The suspension of United States aid to countries providing economic assistance to Cuba or trading with the country on non-market terms constitutes a tightening of the restrictions imposed under Title I of the Act, which in practice seeks to restrict Cuba's economic activity with the rest of the world even further.

11. The appropriation of up to $2 million for the implementation of the Helms-Burton and Toricelli Acts would help to ensure that both items of legislation would continue to be implemented and to finance the activities of small groups in the service of a foreign Power that are attacking the Cuban nation.

12. The request to the Secretary of State to prepare a detailed report every three months on the implementation of Title IV, with specific data from those on whom sanctions had been imposed, would make it more binding upon the United States Government to continue implementing that section of the Act.

13. In the light of these facts, the Government of Cuba issued a denunciation, through the diplomatic channel, with a view to alerting the international community and international public opinion to what it considered to be a new campaign, developed in complete silence and complicity and aimed at tightening even further the iron-clad and criminal economic, commercial and blockade which the United States has maintained against Cuba for 37 years.

14. The United States Senate also passed three amendments relating to Cuba under the State Department appropriations bill, one of which broadened the scope of Title IV of the Helms-Burton Act by denying visas to those who "traffick", as the Act puts it, in United States property nationalized anywhere in the world without compensation.

15. Congress has not completed its review of these amendments, since a Congressional conference committee must reconcile the bills adopted by the House of Representatives with those adopted by the Senate, after which they must be voted on again in both houses and then submitted for the approval of the President of the United States. To date, the United States Government has maintained total silence on this subject and has done nothing at all to prevent the final adoption of these initiatives.

16. By these actions, the advocates of the Helms-Burton Act have made it clear that they will not stand for any dilution or diminishing of its impact, notwithstanding the opposition of the international community and the North American allies; indeed, they only want to modify it to make it more interventionist and extraterritorial. The Act's inconsistency with the obligations of the United States under agreements with the World Trade Organization (WTO) and the North American Free Trade Agreement have also been pointed out; the European Union even submitted a request to have the Act reviewed by the WTO Dispute Settlement Body, and a series of "antidote" or

"mirror" laws were adopted by the principal trading partners of the United States with a view to protecting themselves and halting the Act's extraterritorial effects.

17. To this end also the Cuban Parliament adopted the Act Reaffirming Cuban Dignity and Sovereignty, which once again upheld the legality, public benefit and compliance with international law of the Cuban Government's nationalizations and reaffirmed the Government's readiness to award adequate and fair compensation, on a basis of equality, respect and mutual claims, for property expropriated from individuals and legal persons who at the time held United States citizenship or nationality and had not availed themselves of the mechanisms and procedures under the Helms-Burton Act, a measure which was rejected by the United States Government.

18. Previous documents (A/48/448 and Add.1, A/49/398 and Add.1, A/50/401 and Add.1 and A/51/355 and Add.1) show the effects of the systematic and progressive maintenance of the blockade policy pursued by the United States of America against the Cuban economy and Cuban society. The passage of the Helms-Burton Act and other actions that the most reactionary circles in the United States Government continue to direct against Cuba are intended to intensify the effects of that policy, yet this has not prevented attempts to spread its extraterritorial effects even further by blackmailing and threatening other sovereign States.

19. Such action increasingly seeks to undermine the very foundations of the Cuban economy and obstruct the country's international economic relations by focusing on companies interested in commercial ventures aimed at reviving production in basic sectors of the Cuban economy.

20. The cumulative effect of the blockade on the Cuban economy and the waste it entails have also been rightly criticized; each year the blockade makes it necessary to spend large volumes of resources that might otherwise be used to raise the population's standard of living and for national development.

21. The Act's intimidating effect has led to delays in or the postponement of a number of economic projects in various stages of negotiation, which has had an impact on activities of vital interest to the Cuban economy.

22. The United States Government continues to deny Cuba access to its nearest market, which, it will be recalled, increases transport costs by hundreds of millions of dollars, ties up large sums in inventory and reserves and makes it impossible for the country to market its major exports, such as sugar, on the New York Stock Exchange.

23. In addition, vessels shipping goods for Cuba continue to be denied access to United States ports for 180 days, a flagrant violation of the freedom of navigation, in an effort to obstruct and destabilize the flow of supplies to the country as well as Cuba's international trade.

24. This situation, which was described in detail in document A/51/355 and Add.1, has significantly increased the cost of keeping the island supplied, since the hiring of shippers with adequate equipment and sufficiently in advance

is made difficult by the limited availability of ships. This leads to additional expenses for storage and stays in port, the cancellation or duplication of contracts and interruptions in supplies.

25. In the meantime, shippers, citing the risk of retaliation by the United States for having provided services to Cuba, include surcharges of anywhere from 15 to 30 per cent over prevailing market rates and, in the case of petroleum products, up to 35 per cent a barrel.

26. In 1996, total shipping charges for three products alone (wheat, maize and flour) were $13.4 million higher than they would have been had Cuba not been denied access to United States markets.

27. The United States Government continues to prohibit trade between Cuba and subsidiaries of United States companies based in third countries, which are subject to the laws and regulations of those countries. This situation not only violates the sovereignty of those countries and affects their economic interests but severely disrupts the Cuban economy, not only because it forces Cuba to find new suppliers who generally demand higher prices for their goods but also because it is sometimes impossible to find substitutes or alternative sources of supply, leading to delays and interruptions in production and services.

28. In 1996 alone in the area of food imports the difference between the prices of goods purchased on the Cuban market and prices on the United States market, to which Cuba has no access, for four items (wheat, powdered milk, oilseed meal and maize) totalled to $43.8 million.

29. About $2.2 million worth of additional costs for inputs, spare parts, repairs and maintenance were incurred the same year in the civil engineering industry as a result of price differentials.

30. Merely in terms of additional expenditures for shipping, price differentials and surcharges above market prices, the annual damage to the Cuban economy from the United States blockade amounted to hundreds of millions of dollars, a figure that varies in relation to the trade volume each year.

31. The tightening of the blockade has also reinforced the special conditions Cuba must meet in order to market its products internationally, based on the so-called "Cuba risk", which continue to have a negative impact on the availability and terms of insurance to cover commercial operations with Cuba.

32. When several insurance companies with which Cuban enterprises had done business for years were acquired by United States insurance companies, they were not allowed to fulfil their contracts with these Cuban enterprises or transfer funds, owing to them.

33. Moreover, as a result of the maintenance of the blockade, Cubans have been unable to make bank transfers freely in United States dollars when they bill their export customers, which means a loss of about 3.5 per cent of the amount in question in bank charges and currency exchange fees.

34. The Helms-Burton Act has increased the cost of financing and has delayed the granting of credits. It also interrupted financial operations linked to the sugar beet harvest, damaging one of our main export sectors and an important source of income.

35. This situation continues to limit access by the Cuban economy to short-term credits, since insurers charge Cuban enterprises high interest rates because of the "Cuba risk", which in practice prevents the enterprises from obtaining such credits.

36. The tightening of the blockade meant that anticipated financial flows were interrupted for months, causing additional damage to our economy and especially affecting food and fuel imports.

37. The world economy has been experiencing an accelerated globalization of production and technological linkages through greater capital flows within and among enterprises. In particular, in recent years direct investment flows, strategic alliances, acquisitions and large-scale mergers between corporations at the international level has reached unprecedented speed and proportions, mainly among developed countries, the biggest foreign investor being the United States.

38. This trend has a direct impact on the increase of the blockade's extraterritorial scope and negative economic impact on Cuba, for its long-standing relations with suppliers of inputs for various production sectors, services and consumption were suddenly interrupted when these firms were acquired by or merged with United States enterprises, even where the United States was not a majority shareholder.

39. Even in cases of enterprises in which the United States has no financial interest, if the products sold by these firms contain any input or use any technological process originating in the United States, the product cannot be sold in Cuba.

40. Where the share of these inputs in the product's value is small, and where a licence to sell them could theoretically be authorized under United States law, this licence is generally denied or the bureaucratic red tape involved acts as a disincentive to potential suppliers.

41. The harm done to all sectors of the Cuban economy by this situation is considerable, affecting both supplies of inputs and buyers of Cuban exports.

42. The consequences of this systematic United States aggression are especially onerous because of the restrictions imposed on the sale of food, medicine and medical supplies and equipment to Cuba. Most of Cuba's imports until 1992 from United States subsidiaries located in third countries were food and medicine, a form of trade that has been prohibited since that year.

43. The United States is the world leader in research and development for new drugs and sophisticated medical equipment, in the global marketing of these products - accounting for about 50 per cent of new medicines sold on the international market - and in high technology in the production of medical equipment.

44. Patents on drugs technologies and equipment are valid in the United States for 17 years. Under United States law, Cuban citizens have not been allowed to buy drugs patented by the United States since 1979, which means that they have no access to third-generation antibiotics and a number of products for the treatment of acquired immunodeficiency syndrome, to cite only two examples. This compounds the situation described above concerning the prohibition of sale by subsidiaries.

45. The process of buy-outs and large-scale mergers in the field of producers and marketers of drugs and medical supplies and equipment, among other inputs for the health sector, is becoming particularly extensive and dynamic, a fact which has resulted in more interruptions of relations with traditional suppliers in that sector than in other sectors. This has produced very severe consequences in the Cuban health sector.

46. A report published in March 1997 by a prestigious United States health organization in Washington, D.C., the American Association for World Health, gives an exhaustive analysis of the damage caused by the blockade to the health and nutrition of the Cuban people.

47. Recognized specialists from this organization and from the Pan American Health Organization visited various hospitals and specialized health agencies in Cuba, interviewed doctors and patients and studied the practice of Cuban medicine and its inputs, available technology, shortcomings and deficiencies, and the incidence of disease and pathology in the population.

48. The reason that this damage has not been even greater and that Cuba's health indicators are as good as those of many developed countries is that the Cuban Government has made efforts to support this sector by allocating resources to public nutrition and health on a priority basis, and also that the people working in this field are well-trained professionals with a humanitarian vocation.

49. Spokespersons for the United States Government have pointed out that the export of medicines to Cuba is not prohibited and that a mechanism for granting licences to sell them has been established.

50. In fact, the practice in recent years has been that officials of the United States Departments of Commerce and the Treasury have misinformed and discouraged those who have tried to obtain licences to export medicines, medical supplies and equipment or have simply denied requests for such licences. The pharmaceutical companies themselves have been victims of systematic delays in receiving replies to their requests for licences or their applications have simply been rejected.

51. The United States has also placed conditions on granting licences to export medicines to Cuba, such as on-site inspection and other requirements, which are unacceptable to any sovereign nation as well as being impractical.

52. The few cases where licences have been granted to supply certain drugs, under the sponsorship of the International Committee of the Red Cross or a diplomatic mission, have been handled on an individual basis, and not for the

whole shipment but for partial shipments, after a complex and lengthy process lasting on average about seven months, which has discouraged the initiative of some organizations that were planning to donate medicine to Cuban hospitals.

53. The United States Government's blockade against Cuba is an unusual and unique case, since it even limits people's access to food and to medicines that might save their lives. Even in the case of war between countries, this practice is rejected and prohibited by various international conventions and treaties, many of which the United States has signed. Moreover, the blockade violates a number of international human rights instruments and conventions, including the Charter of the United Nations.

54. Similarly, it is no accident that the United States Government, in its escalating hostility towards Cuba, has also resorted to biological aggression by introducing plagues and vectors to spread disease and deprive the Cuban population of food, compounding the harm already caused by the blockade.

55. In that regard, in April 1997 the Government of Cuba made a formal complaint to the United Nations General Assembly (A/52/128) that it had again been the victim of biological aggression, for it had reliable evidence that a plague known as "thrips palmi" had appeared on its national territory after an unknown substance had been sprayed from an aircraft operated by the United States Department of State on 21 October 1996.

56. Evidently, for the most reactionary circles of the United States Government, no policy towards Cuba, even the most inhumane, is tough enough.

57. From the time of its imposition until 1995, the economic, commercial and financial blockade by the United States cost Cuba, according to estimates made by experts, over $60 billion worth of damage. Each year, this figure is increasing, and as a result of the tightening of the blockade and the globalization which is contributing to its extension, together with the surcharges the country has to pay to those who venture to trade with Cuba, represents a growing drain on the financial resources available for the import of food, medicines or raw materials for their production, and for other important sectors of the economy to obtain the earnings the country needs.

58. Although these actions are meant to limit the Cuban economy's development by stifling its foreign economic relations, the Cuban nation reaffirms its desire to carry out its economic restructuring process to enhance its development while maintaining its existing levels of social development.

59. Unfortunately, the implementation of policies of this type is becoming one of the most salient features of the globalization of the world economy in recent years.

60. According to a report issued in March 1997 by the National Association of Manufacturers, a large Washington-based association of companies and their subsidiaries in industry and trade, the United States Government enacted a total of 61 laws and executive orders from 1993 to 1996 authorizing the use of unilateral economic sanctions against 35 countries for foreign-policy purposes.

61. In the light of this evidence, the Government of Cuba feels it has a moral obligation to alert the international community once again to the dangers threatening the future and stability of international relations if effective steps are not taken to eliminate the proliferation of measures such as this blockade, which, besides affecting the well-being and health of a people, attempts to limit the sovereignty of other States and to ignore the growing call throughout the world that it be lifted.

62. The Government of the Republic of Cuba hopes that the international community will be more forceful in condemning this policy and in taking appropriate steps to put an end to it.

63. A nation's right to its own autonomous development is a basic human right that must be respected.

CYPRUS

[Original: English]

[8 July 1997]

Cyprus does not favour any attempt to enforce laws on its territory that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[Original: English]

[1 April 1997]

1. The Government of the Democratic People's Republic of Korea is of the position that any extraterritorial laws and measures which could violate the sovereignty of other States and the freedom of trade and navigation should be repealed immediately as they contravene the Charter of the United Nations and international law.

2. There exist no such laws and measures in the Democratic People's Republic of Korea. The Government of the Democratic People's Republic of Korea is making every effort to develop economic and trade relations with Cuba.

3. The Government of the Democratic People's Republic of Korea will continue to make all possible efforts for the full implementation of the resolution.

ECUADOR

[Original: Spanish]

[14 March 1997]

With reference to paragraph 4 of General Assembly resolution 51/17, Ecuador does not impose any kind of sanction against Cuba and maintains normal diplomatic, commercial and cultural relations with it.

ESTONIA

[Original: English]

[4 April 1997]

Estonia has not adopted any laws or measures of the kind referred to in paragraphs 2 and 3 of the General Assembly resolution 51/17.

GAMBIA

[Original: English]

[12 August 1997]

The Gambia supports the ending of the economic, commercial and financial embargo imposed by the United States of America against Cuba in accordance with the principles of the Charter of the United Nations and international law. In the pursuit of international cooperation, no State should adopt unilateral coercive measures or legislations whose extraterritorial effects could damage the sovereignty and economic well-being of other States.

GUYANA

[Original: English]

[3 July 1997]

Guyana fully supported the resolution and voted in its favour. Guyana, therefore, is committed to paragraphs 2, 3 and 4 of resolution 51/17 and honours its mandate.

IRAQ

[Original: Arabic]

[11 August 1997]

1. The United States of America is continuing to ignore the will of the international community as represented in successive resolutions adopted by the United Nations General Assembly. It does so by persisting in the maintenance of a comprehensive economic, commercial and financial embargo against the Cuban people and by depriving it of basic rights enshrined in many international covenants and conventions and, in particular, of the right to development and progress.

2. This attitude is in flagrant violation of the principles and norms of international law, the Charter of the United Nations and the Organization's resolutions, it constitutes open interference in matters that pertain to the domestic authority of the Cuban Government, and it has had an adverse impact on the Cuban people.

3. Iraq, which has expressed its rejection of the measures taken by the United States of America against Cuba, has not promulgated or applied any laws or measures of the kind referred to in General Assembly resolution 51/17. Indeed, the people of Iraq has been suffering for more than seven years from the coercive measures imposed on it in the form of an embargo on all basic civilian needs, including food and medicine, and is being prevented from using its own resources to secure its humanitarian requirements.

IRAN (ISLAMIC REPUBLIC OF)

[Original: English]

[11 August 1997]

1. Resorting to illegal and coercive measures such as imposing unilateral sanctions and enacting coercive economic laws against other States in order to achieve illegitimate objectives is a new form of expansionism in international relations. In this connection, the coercive measures exercised by the United States, including the enactment of the laws known as the Helms-Burton Act and the D'Amato Act, are clear indications of a dangerous trend in international relations where the basic rules of international law, the provisions of the Charter of the United Nations as well as the principle of the freedom of international trade are violated.

2. The decisive response pronounced by Members of the United Nations and several international and regional organizations against the policy of unilateralism, as manifested in the form of authoritarianism, illustrates the profound anxiety and sensitivity of the international community towards the proliferation and the adverse consequences of such coercive and illogical measures. Unilateral measures with extraterritorial implications not only do not help in restoring law, peace and stability in the world but would pave the

ground for the creation of more tension and instability which, in turn, threaten international peace and security.

3. The Islamic Republic of Iran believes that the imposition of unilateral sanctions and the application of coercive economic measures against States Members of the United Nations are in contravention of the purposes and principles of the Charter of the United Nations, international law and the relevant regulations of the World Trade Organization. Such actions are clear examples of interference in the internal and external affairs of other States which essentially weaken the basis of the inter-State relations and seriously threaten international cooperation.

4. The Islamic Republic of Iran, as a Member of the United Nations and a concerned State, while reiterating the principle of the inalienable right of States to choose their political, social, cultural and economic systems, calls upon the Member States to resist such unlawful actions and to make every effort to eliminate their adverse impacts; and thus preserve the purposes and principles of the Charter of the United Nations, in particular those pertaining to national sovereignty, political independence, territorial integrity and non-interference in the internal affairs of other States.

JAMAICA

[Original: English]

[9 July 1997]

1. Jamaica voted in favour of resolution 51/17 adopted by the General Assembly on 12 November 1996 and has consistently voted in favour of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" since it was first introduced in the General Assembly during its forty-sixth session in 1991. On various occasions and in different forums, Jamaica has supported calls urging an end to the economic, commercial and financial measures and actions against Cuba.

2. Further, Jamaica has neither promulgated nor applied any laws or measures of the kind referred to in the preamble to resolution 51/17 and remains firmly committed to the principles of international law and in particular to freedom of trade and navigation. The Government of Jamaica remains opposed to the extraterritorial application of national legislation which would seek to impose artificial barriers to trade and which run counter to international law and the sovereign equality of States.

3. In line with a policy of mutual respect, good-neighbourliness and respect for the principles enshrined in the Charter of the United Nations and international law, Jamaica has sought to expand and strengthen its relations with Cuba.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

[Original: English]

[1 July 1997]

The Government of the Lao People's Democratic Republic regrets very much that the economic, commercial and financial embargo against Cuba by the United States of America is still in force. It has been tightened even further with increasingly extraterritorial implications. As far as it is concerned, the Lao People's Democratic Republic, mindful of its obligations deriving from the Charter of the United Nations and international law, has neither promulgated nor implemented laws and measures of this type. In our view, these laws and measures affect the sovereignty of other States as well as the freedom of trade and navigation.

LEBANON

[Original: English]

[25 August 1997]

The Government of Lebanon voted in favour of General Assembly resolution 51/17 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" and thus supports ending the embargo and freezing measures that have been taken in this regard which affect the freedom of international trade and maritime transport as well as general economic transactions.

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]

[4 June 1997]

1. Consistent with its support for General Assembly resolution 51/17, the Libyan Arab Jamahiriya is opposed to the economic, commercial and financial embargo imposed by the United States of America against Cuba on the grounds that it contravenes the Charter of the United Nations and the Organization's purposes and principles stipulating that Members shall settle their disputes by peaceful means.

2. In compliance with the purposes and principles of the Charter of the United Nations and out of respect for the norms of international law, the Libyan Arab Jamahiriya has not promulgated or applied any laws such as those referred to in the relevant paragraphs of General Assembly resolution 51/17.

3. Since 1986, the Libyan Arab Jamahiriya has been suffering from measures imposed on it by the United States of America, iniquitous measures similar to those imposed against Cuba. They have included the freezing of Libyan assets in

American banks, the imposition of restrictions on the transfer of technology to Libya, and a prohibition on Libyan students pursuing advanced studies in technology at American universities. The United States Government has recently strengthened these measures under Public Law 3107 of 19 June 1996, which imposes penalties on persons or companies investing 40 million dollars or more. Such investment might have made a major and direct contribution to strengthening Libya's ability to develop its petroleum resources.

4. Since the imposition of coercive measures is incompatible with the purposes of the United Nations and the principles of international law, the Libyan Arab Jamahiriya reaffirms the provisions of paragraphs 2 and 3 of Assembly resolution 51/17, and it urges the States concerned to refrain from promulgating and applying laws and measures of the kind imposed on Cuba or any other country or to take the necessary steps to repeal or invalidate such laws and measures.

LIECHTENSTEIN

[Original: English]

[30 July 1997]

The Principality of Liechtenstein has not promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 51/17. The Government of Liechtenstein is furthermore of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

LUXEMBOURG

[Original: French]

[24 July 1997]

The position of the Government of Luxembourg with regard to General Assembly resolution 51/17 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" is reflected in the communication dated 19 June 1997 from the Netherlands on behalf of the Presidency of the Council of Ministers of the European Union (see below).

MALAYSIA

[Original: English]

[29 July 1997]

1. For some years now, Malaysia has voted in favour of General Assembly resolutions calling for an end to the embargo on Cuba, the most recent of which was resolution 51/17. Malaysia does not promulgate or apply any law or measure of the kind referred to in paragraphs 2 and 3 of resolution 51/17.

2. Malaysia firmly believes that there is no justification for the United States to take unilateral trade measures against Cuba that also impinge upon the right of other States to engage freely in international trade and navigation. The promulgation of the Helms-Burton Act in the United States clearly contravenes the principles and objectives of the World Trade Organization.

3. There are various international declarations and resolutions against the application of the Act. Malaysia fully supports the recent decision adopted by the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries at New Delhi on 8 April 1997, in which they, inter alia, "called upon the Government of the United States of America to put an end to the economic, commercial and financial measures and actions against Cuba which, in addition to being unilateral and contrary to the Charter of the United Nations and international law, and to the principle of good-neighbourliness, cause huge material losses and economic damage"; requested "strict compliance with General Assembly resolutions 47/19, 48/16, 49/9, 50/10 and 51/17"; and expressed "deep concern about new legislation enacted by the Congress of the United States that would intensity the embargo against Cuba and widen its extraterritorial nature" (A/51/912-S/1997/406, annex, para. 149).

4. The application of United States domestic laws whose extraterritorial effects infringe upon the sovereignty and legitimate interests of other States is inconsistent with the intentions of the Charter of the United Nations. Furthermore, the continuous measures adopted by the United States against Cuba are contrary to the letter and spirit of the relevant General Assembly resolutions in this regard. In the absence of any move by the United States to repeal the relevant Acts, Member States may be justified in concluding that the United States has adopted a negative attitude by ignoring the will and expressed wish of members of the General Assembly.

MEXICO

[Original: Spanish]

[22 July 1997]

1. The Government of Mexico, in full respect for the sovereignty of States and the right of self-determination of peoples, and the norms and principles which govern peaceful and friendly relations and cooperation among nations, believes that it is for the people of Cuba alone, in exercise of their inalienable rights, to continue to determine their own political, economic and social organization in a free, sovereign and independent manner. It has therefore openly expressed its rejection of the use of force, and of the imposition of political and economic sanctions and the regime of political and diplomatic isolation, against Cuba.

2. Mexico supported the resolutions adopted by the General Assembly of the United Nations concerning the necessity of ending the embargo and those resolutions which maintain that the embargo is contrary to the principles of the Charter of the United Nations.

3. Mexico has also indicated that its decision to establish trade relations with other countries is a full expression of its sovereignty and is therefore not subject to the will of third States. Accordingly, following the promulgation of the Cuban Liberty and Democratic Solidarity Act, also known as the Helms-Burton Act (12 March 1996), the Government of Mexico stated that the scope of that Act is unacceptable in the light of international law, since it is a violation of the purposes and principles of the Charter of the United Nations and contrary to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in resolution 2625 (XXV), which was adopted unanimously by the General Assembly of the United Nations in 1970. It is also contrary to the provisions of the constituent act of the World Trade Organization.

4. Moreover, on 19 September 1996, the Mexican Congress unanimously adopted the Act on the Protection of Trade and Investment from Foreign Laws which are Contrary to International Law, better known as the "Antidote Law", which entered into force on 24 October 1996. Article 1 of that Act prohibits individuals or legal entities, public or private, residing in national territory or subject to Mexican law, from carrying out acts that would affect trade or investment, when such acts are the result of the extraterritorial effect of foreign laws.

MYANMAR

[Original: English]

[5 August 1997]

1. Myanmar continues to maintain its consistent policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations and of scrupulous respect, among others, for the principles of the sovereign equality of States, non-intervention and non-interference in the internal affairs, freedom of trade and international navigation.

2. The Union of Myanmar is of the view that the promulgation and application by Member States of laws and regulations the extraterritorial effects of which affect the sovereignty of other States and the legitimate interest of entities or persons under their jurisdiction as well as the freedom of trade and the freedom of navigation violate the universally adopted principles of international law.

3. In this connection, Myanmar is deeply concerned about the extraterritorial aspects of the laws enacted against the Republic of Cuba.

4. In conformity with the above, the Union of Myanmar has not promulgated any laws and regulations of the kind referred to in the preamble to General Assembly resolution 51/17.

NAMIBIA

[Original: English]

[30 July 1997]

1. The Republic of Namibia has no legislation with extraterritorial effect, since it would be a violation of the sovereign [right] of each nation State to exist and therefore contrary to [the stated aims of] foreign policy.

2. The Government of the Republic of Namibia upholds the principles of non-interference in the internal affairs of other States.

3. The Government of the Republic of Namibia urges both the United States of America and Cuba to begin serious negotiations to resolve all aspects of the long-standing dispute between them in the interest of peace, trade, development and good-neighbourliness.

4. The Namibian Government views the Helms-Burton Act as a blatant violation of the sovereignty of States, a serious breach of the principles of the Charter of the United Nations, international law, freedom of trade and navigation, and as a violation of the rules of the international trade system.

5. The international community, of which Namibia is a part, has for the past 35 years continuously and increasingly expressed its total dissatisfaction with and rejection of the unilateral embargo against the people of Cuba.

NETHERLANDS

(representing the Presidency of the Council of Ministers of the European Union)

[Original: English]

[19 June 1997]

1. The European Union and its member States have made clear their opposition to the extraterritorial effects of the United States embargo against Cuba contained in the United States legislation known as the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 (the so-called Helms-Burton Act).

2. The Council of Ministers of the European Union adopted a regulation in November 1996 making compliance with this legislation an offence.

3. While the European Union and its member States consider the United States trade policy towards Cuba primarily a matter for the Governments of the two countries concerned, they remain concerned about the extraterritorial effects of the United States embargo and the Helms-Burton Act on European Union Member States, companies, individuals and trading interests.

NORWAY

[Original: English]

[27 June 1997]

Norway has not enacted any economic embargo against Cuba or adopted other measures contradictory to General Assembly resolution 51/17.

PANAMA

[Original: Spanish]

[25 August 1997]

1. The Republic of Panama supported General Assembly resolution 51/17 and has stated that both the adoption and the implementation of such measures against Cuba directly affect freedom of trade and navigation and can have an adverse effect on international relations.

2. Accordingly, the Government of Panama has not taken legislative or other measures to impose economic sanctions against Cuba which would undermine freedom of trade and navigation, in conformity with its obligations under the Charter of the United Nations and international law which establish, inter alia, freedom of trade and navigation.

PERU

[Original: Spanish]

[14 July 1997]

1. In Peru, no law or measure whatsoever of the kind referred to in resolution 51/17 either exists or is applied.

2. The position of the Government of Peru on this matter is based on the joint measures adopted by the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group); on the Ibero-American Summits; on the Declaration on Respect for the Personality, Sovereignty and Independence of States adopted by the General Assembly of the Organization of American States on 2 June 1997; and on resolution CJI/RES/II-14/96, adopted unanimously by the Inter-American Juridical Committee, issued pursuant to resolution AG/RES.1364 (XXVI-0/96) of the General Assembly of the Organization of American States. In this connection, the Government of Peru rejects the unilateral and extraterritorial application of national laws and expresses its concern at the trend of imposing domestic laws, some of which are a violation of existing international law, on other countries.

3. The Government of Peru does not agree with unilateral positions aimed at influencing the internal political process of a given State and thereby

infringing on its sovereignty. It believes that due respect for the national constitutional order is fundamental to international relations.

4. In the specific case of the so-called Helms-Burton Act, the Government of Peru welcomes the suspension of the application of its most controversial title and believes that this is a first step in the right direction. We hope to see substantial progress in the form of additional and supplementary measures.

5. Lastly, the Government of Peru wishes to reiterate its firm and steadfast adherence to the common objectives of democracy, respect for human rights and economic freedom.

RUSSIAN FEDERATION

[Original: Russian]

[24 July 1997]

1. In supporting since 1994 the General Assembly resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Russian Federation takes account of the firm consensus on that matter among the Members of the United Nations.

2. Almost the entire world community regards the continuing commercial and economic embargo against Cuba imposed by the United States as a manifestation of the outdated mentality of confrontation between blocs. Most of the States of the world express their disagreement with the attempts by the United States to tighten up the embargo by associating the international community with it through the implementation of the Cuban Liberty and Democratic Solidarity Act of 12 March 1996. This Act is rightly described as discriminatory and incompatible with the norms of international law and the principles of free trade.

3. The recent attempts by the Congress of the United States to strengthen the sanctions regime against Cuba, and also to exert pressure on third countries and certain international organizations with a view to curtailing their cooperation with Cuba, give rise to serious concern on the part of the Russian Federation.

4. Our view of the matter is that the lifting of the commercial, economic and financial embargo of the United States of America against Cuba in particular, and the normalization of United States-Cuban relations in general, would promote a more healthy international situation and would facilitate Cuba's inclusion in world economic relations and thus the advance of Cuban society towards transformation.

5. As far as the Russian Federation directly is concerned, it is firmly guided by the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation mentioned in the resolution and supports, and intends to continue to develop normal commercial and economic ties with Cuba based on mutual interest and reciprocal advantage and put into practice in strict conformity with generally accepted

international norms without any form of discrimination and on the basis of world prices.

SAN MARINO

[Original: English]

[27 May 1997]

The Republic of San Marino does not have any laws regarding this question and has not taken any measures to put an end to the embargo.

SLOVENIA

[Original: English]

[2 July 1997]

1. Slovenia has not promulgated or applied any laws or measures of the kind referred to in the preamble to General Assembly resolution 50/10.

2. This statement continues to be relevant also with regard to General Assembly resolution 51/17.

SOLOMON ISLANDS

[Original: English]

[16 July 1997]

Solomon Islands, a small island developing State, reaffirms its obligations under the Charter of the United Nations and international law to support freedom of trade and navigation. Solomon Islands voted in favour of resolution 51/17.

SOUTH AFRICA

[Original: English]

[1 August 1997]

1. South Africa has always expressed its opposition to the unilateral punitive measures taken by the United States against Cuba and which run counter to the efforts of the majority of States which support constructive interaction with Cuba.

2. South Africa normalized its diplomatic relations with Cuba in 1994 when Cuba opened an embassy in this country, followed by the establishment of a South African embassy in Havana in 1995.

3. Since re-entering the United Nations, South Africa has consistently opposed all aspects of the embargo imposed by the United States of America against Cuba by voting in favour of the United Nations resolution in this regard and has expressed its concern in multilateral forums with respect to the Helms-Burton legislation.

4. South Africa interacts with Cuba on the political, economic and cultural levels. Such constructive interaction is consistent with South Africa's relations with all other countries within the region of Latin America and the Caribbean.

5. South Africa joins the majority of States Members of the United Nations in opposing the extraterritorial nature of the legislation as an intrusion on Cuba's sovereign right to conduct its foreign relations.

6. South Africa has opposed the United States embargo in its entirety and its attendant negative implications for the people of Cuba.

SPAIN

[Original: Spanish]

[23 July 1997]

The position of the Government of Spain with regard to General Assembly resolution 51/17 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" is reflected in the communication dated 19 June 1997 from the Netherlands on behalf of the Presidency of the Council of Ministers of the European Union (see text above).

SUDAN

[Original: English]

[24 July 1997]

The Government of the Sudan voted in favour of General Assembly resolution 51/17 and will abide fully with the letter and spirit of the resolution in accordance with the conviction of the Government of the Sudan that it is necessary to end the economic, commercial and financial embargo imposed on Cuba. The Government of the Sudan, in principle, rejects the imposition of economic sanctions on developing countries.

SURINAME

[Original: English]

[14 August 1997]

The Government of the Republic of Suriname has not promulgated or applied laws or measures of the kind referred to in the preamble to resolution 51/17.

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[3 April 1997]

The Syrian Arab Republic, in accordance with its position of principle on the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", voted in favour of General Assembly resolution 51/17, which reaffirms the necessity of compliance with the purposes and principles enshrined in the Charter of the United Nations and the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation. It also urges States to take the necessary steps, as soon as possible, to end the economic, commercial and financial embargo that has been maintained against Cuba for more than 30 years.

TRINIDAD AND TOBAGO

[Original: English]

[18 August 1997]

Trinidad and Tobago has not adopted any laws or measures restricting trade or other economic relations with Cuba.

UKRAINE

[Original: English]

[3 June 1997]

1. The Government of Ukraine has pursued a policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality of States and non-interference in their internal affairs.

2. Ukraine has not adopted any legislation or regulations whose extraterritorial effects might affect the sovereignty of other States and the

legitimate interests of entities of persons under Ukraine's jurisdiction, or the freedom of trade and international navigation.

3. The Government of Ukraine does not accept the [imposition by the] United States of economic measures as a means of achieving political aims and upholds in its relations with other countries the fundamental principles of the Charter of the United Nations, the norms of international law and the freedom of trade and navigation.

VIET NAM

[Original: English]

[5 June 1997]

1. The General Assembly of the United Nations had adopted many resolutions requesting the United States of America to end its policies and laws of economic, commercial and financial blockade and embargo against the Republic of Cuba because they are contrary to the basic principles of the Charter of the United Nations and seriously violate international law, especially that of freedom of international trade and navigation. The resolutions of the General Assembly, especially resolution 51/17 recently adopted by an overwhelming majority, reflect the deep concern of the States Members of the United Nations and the entire international community and their strong opposition to the extraterritorial and confrontational nature of those policies and measures of the United States against Cuba. They also reflect the common desire to build healthy international relations and cooperate for development among States on the basis of equality, non-discrimination of political systems and respect for the right of every nation to choose the way of development.

2. The promulgation of the Helms-Burton Act by the United States of America and its strengthening of the embargo measures against the Republic of Cuba run counter to the common desire of States and have caused greater difficulties for the Cuban people in their normal life and efforts for development. Those measures have also adversely affected the economic, commercial and financial relations of many countries with the Republic of Cuba. The Helms-Burton Act has been strongly opposed by many countries.

3. It is the view of Viet Nam that the dispute between the United States and the Republic of Cuba should be resolved through dialogue and negotiation in the spirit of mutual respect, respect for independence and sovereignty, and non-interference in the internal affairs of States. Viet Nam reaffirms its strong support for the resolutions adopted by the General Assembly of the United Nations with a view to immediately ending the blockade and embargo against the Republic of Cuba.

4. Viet Nam reaffirms its solidarity with the Cuban people, sympathizes with the hardships that they have undergone and will continue to assist the Cuban people in overcoming the consequences of the above-mentioned unjust embargo policy.

III. OBSERVER MISSIONS TO THE UNITED NATIONS

HOLY SEE

[Original: English]

[14 May 1997]

1. Because of its particular nature, the Holy See does not have economic and trade relations with other States. However, by means of the articulation of its clear and principled stand on the question of the imposition of international economic sanctions, especially by Pope John Paul II, as well as through its diplomatic activity in this area, it has sought to alleviate the distress suffered by civilian populations which are either directly or indirectly affected by the imposition of such measures. The Holy See is convinced that these considerations are particularly relevant with regard to the embargo which has been imposed upon Cuba.

2. The Holy See considers it to be legitimate for the international community to resort to economic sanctions when confronted with a specific Government which has acted in a manner which places world peace in danger. However, the Holy See holds that there are several conditions which must accompany the imposition of such sanctions: (a) sanctions may not be a means of warfare nor punishment of a people; (b) sanctions should be a temporary means of exerting pressure on Governments whose choices threaten international peace; (c) sanctions must be proportionate to the goals they hope to achieve; and (d) sanctions must always be accompanied by a dialogue between the parties involved.

3. Pope John Paul II has stated:

> "The embargo ... clearly defined by law, is an instrument which needs to be used with great discernment and it must be subjected to strict legal and ethical criteria ... [I]t is always imperative to foresee the humanitarian consequences of sanctions, without failing to respect the just proportion that such measures should have in relation to the very evil which they are meant to remedy".

4. Further, the humanitarian considerations which the Holy See applies to economic sanctions were articulated by His Eminence Angelo Cardinal Sodano, Secretary of State, who said:

> "[T]he Holy See hopes that the United Nations Security Council will be better informed about the negative effects on a humanitarian level, deriving from the application of sanctions imposed on a State in strict application of the Charter of the United Nations ... [A] mechanism should be introduced which would allow for an independent and effective control of the humanitarian consequences of sanctions and subsequently establish ways to correct these effects. The legitimate decision by the international community never dispenses with the due attention that must be paid to the concrete fate of the civilian population".

IV. REPLIES RECEIVED FROM ORGANS AND AGENCIES OF THE UNITED NATIONS SYSTEM

INTERNATIONAL MARITIME ORGANIZATION

[Original: English]

[10 April 1997]

Due note has been taken of the contents of the resolution including, in particular, paragraph 4 thereof. In accordance with its practice, General Assembly resolution 51/17 will be drawn to the attention of the IMO Council. Any action or decision taken by the IMO Council on the matter will be communicated to [the Secretary-General].

OFFICE OF THE RESIDENT COORDINATOR OF THE UNITED NATIONS SYSTEM'S OPERATIONAL ACTIVITIES FOR DEVELOPMENT

[Original: English]

[23 June 1997]

1. From a general perspective, 1996 was characterized by a strengthening of the United States embargo against Cuba through the adoption of the so-called Helms-Burton legislation, which includes a series of measures tightening the embargo, such as providing a mechanism for former owners of expropriated property to bring action in the United States courts against investors in such property, and provisions to deny United States entry visas to corporate officers and principal shareholders of firms investing in expropriated property.

2. More recently, the Cuban Government also complained about the possible further strengthening of the embargo as a result of new Congressional proposals which would result in a cut of United States aid to any country providing assistance to Cuba, or to countries trading with Cuba on a non-commercial basis. Also proposed are sanctions against any country providing assistance to Cuba's nuclear programme, and cutting funding to the International Atomic Energy Agency if that institution provides cooperation to Cuba.

3. The continuation and strengthening of the United States embargo against Cuba, including its extraterritorial effects, is affecting in different ways the difficult economic recovery process initiated in 1994. In the present context, three principal effects of the embargo could be assessed as follows:

(a) The embargo raises the risks and costs for foreign investment capital entering Cuba, as the United States legislation contains measures permitting court action in United States courts against investors deemed to be "trafficking" in property formerly held by United States citizens. In addition, the legislation authorizes the denial of entry into the United States of executives and officers of companies deemed to be trafficking in such property. While it is not possible to quantify exactly the deterrent effect that these

measures may have, it is likely that the potential flow of foreign investment into the country would be significantly affected;

(b) The embargo compels United States officials to withdraw United States support to international financial institutions which would seek to provide assistance to Cuba. This includes the Bretton Woods institutions, and has the secondary effect of increasing the difficulties of negotiating debt settlements and credit with public and commercial creditors, including Paris Club creditors. Again, it is not possible to quantify the effect of this measure. However, Cuba is one of the few countries in the world facing a deep restructuring of its economy without assistance from international financial institutions;

(c) The embargo has an indirect effect on the general economy by raising the costs of sourcing, financing and transporting imports. Cuba must pay higher shipping charges for its imports and must rely on short-term commercial credit. Given that Cuba relies heavily on food, fuel and medical imports, these higher costs have a negative effect upon social sectors such as health in particular. In addition, the embargo has cut off the supply of parts for certain types of United States-manufactured equipment, with particularly negative impacts on the health-care system.

4. To comply with their respective mandates while addressing the overall situation in Cuba, the United Nations organizations represented in Cuba have continued to work along a few focused lines, which they consider as a common agenda, namely:

- Supporting the economic restructuring process currently under way in Cuba;

- Contributing to improve, expand and consolidate social services;

- Promoting contacts and cooperation between Cuba and the rest of the world.

5. Achievements in these areas include the design and approval of new programmes addressing the most critical issues the country is facing. This is the case in particular of all the programmes recently designed and/or approved by the United Nations funds and programmes, which will focus on economic recovery (UNDP), food security (WFP) and consolidation of social achievements (UNICEF and UNFPA).

6. The specialized agencies represented in Cuba will also increasingly focus their respective activities on the food security issue (FAO) and on the consolidation of social services (UNESCO and WHO).

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL ORGANIZATION

[Original: English]

[7 May 1997]

1. UNESCO continues to encourage regional and international exchanges involving Cuban educators, scientists, intellectuals and artists. Furthermore, in order to assist the country in improving its integration into international tourist networks, a programme to encourage cultural tourism was launched in November 1996 which promotes the cultural and natural heritage, and various projects have been started that involve vocational training, the promotion of craftworkers and the creation of cultural routes.

2. Other action was taken by UNESCO in its fields of competence to mitigate the effects of the embargo:

(a) Throughout 1996, 2,700,000 school exercise books were provided to pre-school classes and primary schools, funded from the regular budget at a cost of $217,000;

(b) Equipment was contributed, to the value of $100,000 financed from extrabudgetary funds, for a computer laboratory for children with severe language difficulties, housed in the Miguel B. Diaz School in Havana and intended for children from all over Cuba;

(c) Financial and intellectual assistance was provided for Pedagogia 97, a congress of educators held at Havana in February 1997 and attended by 6,000 school teachers from Ibero-America;

(d) With financial and intellectual help from UNESCO a regional conference on education for the twenty-first century was held at Havana in November 1996 and attended by 700 participants, including Ministers of Higher Education, university rectors, professors and education administrators;

(e) To repair the damage caused by hurricane Lili, UNESCO contributed $100,000 to rebuild schools in Cienfuegos Province;

(f) To facilitate the circulation of books, a UNESCO cultural bookshop with publications in Spanish, English and French was opened in April 1997 in Havana with an initial investment of $60 thousand. A plan supporting book publishing is encouraging the distribution of works by Cuban authors, including: Versos sencillos (Simple verses) by Jose Martí, Calle Peña Pobre by Cintio Vitier, Antología de Poesía Africana by Rogelio Martínez Furé, Mensaje de América (Message from America) (anthology of essays), La Escuela Cubana del Deporte (sport teacher's handbook), La Juventud al Fin del Milenio (Youth at the end of the Millennium) (social science study);

(g) The publication, in the weekly Juventud Rebelde, of "periolibros" enables Cuba to be included in the Ibero-American network of periodicals

distributing these literary inserts. On the same subject, Cuba receives 15,000 copies of each monthly of the UNESCO Courier free of charge;

(h) In March 1997, the fifth Latin American Crafts Fair, FIART 97, was held with support from UNESCO and the participation of 100 exhibitors from 20 countries in the region. A prize, sponsored by UNESCO's Regional Office for Culture for Latin America and the Caribbean, was awarded at the Fair for "Crafts for the Visitor".

UNITED NATIONS CHILDREN'S FUND

[Original: English]

[13 August 1997]

1. The situation of children in Cuba continues to be adversely affected by a number of internal as well as external factors, including the embargo. As with the majority of such situations, it is impossible to separate the combined negative effects of those factors.

2. As of the end of 1996, Cuba still had the lowest infant mortality rate in the entire Latin American and Caribbean region, at about 8 per 1,000 live births, which is comparable to the rate in developed countries. Under-five mortality has decreased to about 6 per 1,000 live births and the incidence of low birth weight has decreased from about 9 per cent in 1994 to about 7 per cent. Immunization coverage for children is more than 95 per cent. Despite these successes, neonatology services lack essential supplies and equipment and, as a result, neonatal sepsis has become the third leading cause of infant mortality. And although Cuba received some neonatal respirators through humanitarian assistance, it has not been able to obtain the necessary spare parts and accessories.

3. Women's health services have experienced a serious decline over the past five years or so. By 1990, every woman over 35 years of age had been examined free of charge and mammography was included as a routine preventive procedure. However, the screening programme was discontinued in 1994-1995 owing to a lack of material recommended by WHO for X-rays and now mammograms are used only for women recognized as being at high risk for breast cancer.

4. Access to drugs for some 2,200 patients diagnosed as seropositive for the AIDS virus is severely limited. The Cuban Government has found it virtually impossible to obtain the medical drugs and supplies needed for specific tests and treatments from multinational pharmaceutical companies.

5. The condition of the water supply system continues to be a cause of serious concern. About 72 per cent of the drinking water has to be treated, but the lack of chemical supplies has led to the closing of 46 per cent of the installations as well as 40 per cent of the chlorination plants. This has increased the incidence of water-borne disease such as typhoid fever, dysentery, viral hepatitis, acute diarrhoeal diseases and parasitism, which seriously threaten children's health.

6. Cuban children are ensured basic education in spite of the scarcity of essential supplies and equipment. However, it is clear that the country is facing increasing difficulties in maintaining this basic child right. The global emergence of the child rights perspective should provide an opportunity to examine the reality of the situation in relation to its impact on all aspects of child survival, protection and development.

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

[Original: English]

[28 May 1997]

UNIDO is currently involved in the design of programmes and projects geared towards helping Cuba and its population overcome some of the consequences resulting from the embargo imposed by the United States and from the Helms-Burton law. The aim is to establish partnerships for the revitalization of Cuban industrial cooperation for product adaptation as well as the creation of export networks for the commercialization of its industrial and technical know-how.

UNIVERSAL POSTAL UNION

[Original: English]

[30 June 1997]

The Universal Postal Union is a specialized agency of the United Nations dealing with postal matters. UPU, while working within its sphere of technical activities, treats all of its members on equal footing without practising any discrimination.

WORLD BANK

[Original: English]

[4 April 1997]

The Government of Cuba withdrew from membership of the World Bank in 1960 and has not until the present time rejoined the Bank. As such, there are no current programmes of the World Bank of any direct relevance to resolution [51/17].